

REMARKS

Claims 1 and 4-36 remain in this application. Claims 2 and 3 are cancelled while claims 1, 4, 5, 6, 28, 35 and 36 have been amended. New claim 37 has been added. No changes have been made to the remaining claims and no new subject matter is believed to have been added by this Amendment.

In Section No. 2 of the Office Action, the Examiner rejects claims 2-7, 28, 35 and 36 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner indicates with respect to claim 2, that the term “a plurality of tool attachments” in line 2 is confusing with that same term in line 6 of claim 1. For other reasons, the limitations of claim 2 have been added to independent claim 1 and claim 2 has been cancelled. However, the language objected to by the Examiner has been carried over to claim 1 and the term “a plurality of tool attachments” has been changed to “the plurality of tool attachments”.

The Examiner indicates that with respect to claim 6, lines 4 and 5 are confusing. Claim 6 has been amended to eliminate the string of characters that appear to be a typographical error.

The Examiner indicates that with respect to claim 35, the scope of the claim is unclear because of the improper use of Markush therein. Claim 35 has been amended into what the Applicants believe is now a proper use of Markush.

The Examiner indicates that several expressions recited in the claims lack sufficient antecedent basis. Claim 4 has been amended to specify “the at least one tool attachment”. Claim 5 has been amended to specify “the at least one tool attachment”. Claim 28 has been amended to include the limitation of claim 22 to provide antecedent basis for “the plurality of fasteners”. Finally, the Examiner objects to the language in claim 36 and in particular, the term “the tool attachment” in line 38 and the same term in line 36. These phrases have both been amended to specify “one of the plurality of tool attachments”.

In Section No. 4 of the Office Action, the Examiner rejects claims 1, 2, 8-23, 26 and 28-33 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Patent No. 6,061,911 to LaBounty, et al. (hereinafter the “LaBounty patent”). Additionally, however, in Section No. 10 of the Office Action, the Examiner indicates that claims 3-7, 27, 35 and 36 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112. The limitations of claim 3, including claim 2, have been added to independent claim 1 and, as a result, claim 1 is believed to be patentably distinct over the teaching of the LaBounty patent. Additionally, by way of their dependence upon what is believed to be patentably distinct independent claim 1, dependent claims 8-23, 26 and 28-33 are believed to be patentably distinct over the teaching of the LaBounty patent.

In Section No. 5 of the Office Action, the Examiner rejects claims 1, 2, 8-16, 18-23, 26 and 30 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Reissue Patent No. RE 35,432 to LaBounty, et al. (hereinafter the “432 patent”). Once again, claim 1 has been amended to include the limitations of claims 2 and 3 and is believed to be patentably distinct over the teaching of the '432 patent. Furthermore, by way of their dependence upon what is believed to be patentably distinct independent claim 1, dependent claims 8-16, 18-23, 26 and 30 are themselves believed to be patentably distinct over the teaching of the '432 patent.

In Section No. 7 of the Office Action, the Examiner rejects claims 103, 24 and 25 under 35 U.S.C. §103 as being obvious from the teaching of the LaBounty patent. There appears to be a typographical error in the Office Action since there are only 36 claims in the present application. The Applicants telephoned the Examiner to question this rejection, and on Monday, August 13, 2007, the Examiner left a telephone message that the term “103” should be removed. Therefore, only claims 24 and 25 are rejected under this paragraph. Nevertheless, by way of their dependence upon what is believed to be patentably distinct independent claim 1, dependent claims 24 and 25 are themselves believed to be patentably distinct over the prior art of record.

In Section No. 9 of the Office Action, the Examiner indicates that claim 34 is allowed.

Application No. 10/533,862
Paper Dated: September 6, 2007
In Reply to USPTO Correspondence of July 13, 2007
Attorney Docket No. 2005-051265

As previously stated, in Section No. 10 of the Office Action, the Examiner indicates that claims 3-7, 27, 35 and 36 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. Each of these claims has been amended to address this concern and, therefore, this rejection is overcome.

Finally, new independent claim 37 has been added including the limitations of claims 1, 21, 22, 26 and 27, which, in Section No. 10 of the Office Action, the Examiner indicates is allowable.

Reconsideration of claims 1 and 4-36 and allowance of claims 1 and 4-37 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By 

Richard L. Byrne
Registration No. 28,498
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@ebblaw.com